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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,001	08/22/2001	William Lunceford Barnett	50603-3	1108

7590

04/11/2003

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EXAMINER

BUTLER, DOUGLAS C

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



09/938/001
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER NUMBER
15

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 3/13/03

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three (3) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-2, 4-5, 7-8, 10-16, 18-21 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-2, 4-5, 7-8, 10-16, 18 is/are allowed.

☒ Claim(s) 19-21 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

10 claims 3, 6, 9, 17 canceled
Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 3683

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's amendment filed ¹⁻¹⁷⁻⁰³~~March 13, 2003~~ filed on has been entered.

2. The Change of Address filed March 13, 2003 has been received and designated as Paper No., 12.

3. The extension of time filed on March 13, 2003 has been received and has been designated as Paper No. 13.

4. Claims 3, 6, 9 and 17 have been canceled.

5. Claims 1-2, 4-5, 7-8, 10-16 and 18 are allowed.

6. Claim 7, line 2 "a" before "towing" should be changed to --the-- since claim 1, third from the last line already recites "a towing vehicle".

7. In claim 19, line 2 "measure" should be changed to --measuring--.

8. Applicant's WO 03/018380 A1 has been considered with the prior art made of record.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Becker et al(4295687).

Figure 1 of Becker discloses, re instant claim 19, a trailer brake system with a master brake fluid pressure sensor 13 for measuring a brake fluid pressure of a master cylinder 11 of the brake system in a towing vehicle for providing a brake fluid pressure signal and a brake controller CPU 14 for controlling a brake activator 18 which activates the trailer brakes 20. See column 8 of Becker for a summary of the operation of his device.

Re claim 20, note finger control 26 of CPU 14.

See MPEP 2111.01 entitled "Plain Meaning" which states that

"[w]hile the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. This means that the words of the claim

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must be given their plain meaning unless applicant has provided a clear definition in the specification.”

Applicant has not given a definition in the instant specification for CPU so as to preclude readability on the applied prior art. CPU is not limited to digital features. A CPU broadly receives a signal and outputs a signal after performing or processing the input signal. Applicant argues that the prior art applied by the examiner does not use the term “digital”. **It is noted that the instant specification does not use the term “digital”.** The examiner understands that many CPU’s use digital circuitry. Contrary to applicant’s arguments, the examiner is not required to find and apply documents which use applicant’s exact language in the claims. It would be rare that any two documents use the exact terms.

12. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et in view of Rossigno(3790807), of record.

The principal reference to Becker et al(4295687) discloses the invention substantially as claimed. However, the principal reference to Becker et al(4295687) does not disclose the feature directed to the visually displaying information of the brake operation of the trailer to apprise the operator in the tractor.

The secondary reference to Rossigno(3790807) teaches a visual indicator 170 for permitting the vehicle operator to know when the trailer brakes have been activated.

It would have been obvious at the time the invention was made to one having ordinary skill in the art to which the invention pertains to modify the principal reference to Becker et


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al(4295687) to include a visual brake and display/control panel indicator as taught by Rossigno(3790807) to permit the vehicle operator to know when the trailer brakes have been activated.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Butler whose telephone number is (703) 308-2575. The examiner is normally in the USPTO Monday-Friday from 5:30 a.m. to 2:00p.m. Although the examiner may not always be present in his office to immediately answer the phone when called, the examiner will make every effort to return the call as soon as possible. If the examiner does not answer his phone, the examiner suggests that a brief message be recorded on the examiner's voice mail machine when necessary and appropriate. The examiner normally checks recorded phone calls at least once a day unless on leave.

The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


DOUGLAS C. BUTLER
PRIMARY EXAMINER
4-7-03
AV3683